



State of Louisiana

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 38

EXECUTIVE BRANCH HIRING AND SPENDING FREEZE

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation No. 48 KBB 2005;
- WHEREAS,** such Act also confers upon the governor powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;
- WHEREAS,** Hurricane Katrina and its aftermath caused unprecedented and extensive damage in our state and this tragic event has resulted in significant consequences on our people and our businesses as well as state finances;
- WHEREAS,** pursuant to the provisions of Article IV, Section 5 of the Louisiana Constitution of 1974, as amended, and Act No. 16 of the 2005 Regular Session of the Louisiana Legislature, the governor may issue executive orders which limit the expenditure of funds by the various agencies in the executive branch of state government (hereafter **A**pending freeze**@** and
- WHEREAS,** underlying assumptions and needs in the development of the current year's state budget have been drastically altered by the impact of Hurricane Katrina and its aftermath and the interests of the citizens of our state are best served by implementing fiscal management practices to ensure that appropriations will not exceed actual revenues and resources are made available to address post-Katrina shift in needs;
- NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:
- SECTION 1:** Heads of state agencies and human resource directors shall, to the maximum degree possible, follow Department of State Civil Service General Circular No. 001620, **A**KATRINA - Assigning employees where most needed,**@**with particular attention to the section titled **A**Referral of Displaced Employees,**@**n order to make the best use of our state workforce by redeploying displaced state employees.
- SECTION 2:**
- A. Unless specifically exempted by a provision of this Order, no vacancy in an existing or new position of employment within the executive branch of state government, which exists on or occurs after September 19, 2005, shall be filled without the express written approval of the commissioner of administration; and
 - B. Unless specifically exempted by a provision of this Order, no expenditure of funds shall be made within the executive branch of state government for travel, supplies, professional services, other charges (excluding interagency transfers and debt service), acquisitions, and/or major repairs, without the express written approval of the commissioner of administration.
- SECTION 3:**
- A. The budget activities funded by Act No. 16 of the 2005 Regular Session of the Louisiana Legislative (hereafter **A**ct No. 16"), which are exempt from the prohibitions set forth in Section 2 of the Order are as follows:

1. All budget activities directly related to Hurricane Katrina recovery and rebuilding efforts;
 2. All budget activities directly necessary for a statewide elected official to perform his or her constitutional functions;
 3. All essential budget activities which are expressly and directly mandated by constitution, existing court orders, or existing cooperative endeavor agreements;
 4. All essential budget activities of statewide control agencies;
 5. All essential budget activities directly required for collection of state revenues recognized by the Revenue Estimating Conference; and
 6. All budget activities which are not financed by funds from the State General Fund (Direct), as that term is used in Act No.16, or other funds the balances of which revert to the State General Fund (Direct), as that term is used in Act No. 16 (hereafter ~~A~~State General Fund Equivalent~~@~~).
- B. Other budget activities funded by Act No. 16 are exempt from the prohibitions set forth in Section 2 of this Order to the following degree:
1. Positions, field travel, and supplies for incarceration, rehabilitation, diagnostic and health services, transportation of inmates, and probation and parole services related to adult corrections as well as positions and field travel for the Pardon Board and Parole Board in the Department of Public Safety and Corrections, Corrections Services;
 2. Positions, field travel, and supplies for juvenile secure care facilities and the Field Services Program in the Department of Public Safety and Corrections, Youth Services;
 3. Positions, field travel, and supplies related to direct patient care;
 4. All positions in the Department of Social Services needed to meet the federal criteria to receive the Temporary Assistance to Needy Families block grant and to continue to provide necessary child welfare services (including Family Independence Temporary Assistance Program eligibility determination case workers, Family Independence work employment and training staff, child support enforcement personnel, disability determination workers, child care assistance employees, and child welfare services positions), and required field travel for these positions and services;
 5. All State Police commissioned trooper positions as well as data processing, communications, and crime lab positions in Public Safety Services, field travel for public safety and regulatory activities of the State Police, as well as automotive, aviation, and forensic supplies for the State Police; and
 6. All instructional and residential personnel, field travel, and supplies deemed to be absolutely critical for the operations of Special Schools and Special School District #1.
- C. The budget activities funded by Act No. 16 which are exempt from the prohibitions set forth in Subsection 2(A) of this Order are: employee transfers, promotions, or reallocations within a department, office, agency, board or commission of the executive branch of state government which will not, in any manner, increase the aggregate number of filled positions in that department, office, agency, board or commission as of the effective date of this Order. This includes positions being filled through reassignment of displaced state employees.

- D. The budget activities funded by Act No. 16 which are exempt from the portion of the provisions of Subsection 2(B) of this Order that prohibits the expenditure of funds for travel are as follows:
 - 1. All travel associated with promoting or marketing the state of Louisiana and/or its products by: a) the Office of Tourism within the Department of Culture, Recreation and Tourism; or b) the Department of Economic Development;
 - 2. Field travel for the Mental Health Advocacy Service;
 - 3. Field travel required for the Office of Legal Affairs, district managers and roving motor vehicle workers in the Office of Motor Vehicles, and inspectors and arson investigators of the Office of the State Fire Marshal in the Department of Public Safety and Corrections, Public Safety Services;
 - 4. Field travel for the Municipal Fire and Police Civil Service Commission and the State Police Commission deemed to be essential;
 - 5. Travel for the Board of Elementary and Secondary Education for board meetings; and
 - 6. Field travel associated with Minimum Foundation Program internal auditors and field travel associated with the accountability initiatives and monitoring local teacher assessments.
- E. The budget activities funded by Act No. 16 which are exempt from the portions of the provisions of Subsection 2(B) of this Order that prohibits the expenditure of funds for supplies are as follows:
 - 1. Expenditures of all departments, agencies, offices, boards, and commissions for supplies that total no more than seventy-five (75) percent of the initial appropriation for supplies for the department, agency, office, board or commission from State General Fund (direct) or State General Fund Equivalent for supplies expenditures;
 - 2. Supplies for the Office of State Parks within the Department of Culture, Recreation and Tourism for maintenance and household needs to maintain state parks and commemorative areas;
 - 3. Instructional supplies for post-secondary education; and
 - 4. Automotive supplies for travel excepted in Subsection 3(D) above.

SECTION 4: The commissioner of administration is authorized to develop additional guidelines as necessary to facilitate the administration of this Order.

- SECTION 5:**
- A. The commissioner of administration is authorized to grant an agency, department, office, board or commission in the executive branch of state government an exemption, on a case-by-case basis or by category, from all or a part of the prohibitions set forth in Section 2 of this Order, as he deems necessary and appropriate. Such an exemption shall be express and in writing;
 - B. Requests for an exemption from all or a part of the prohibitions set forth in Section 2 of this Order, on a case-by-case basis or by category, shall be submitted only by a statewide elected official, by the secretary or head of a department, or by the head of an agency, office, board or commission which is not within a department. Each request for an exemption shall be in writing and shall contain a description of the type of exemption sought and full justification for the request;

- C. The commissioner of administration may develop guidelines pertaining to requests for exemption from all or a part of the prohibitions set forth in Section 2 of this Order; and
- D. If necessary, the commissioner of administration may develop definitions for the terms and/or the description used in this Order.

SECTION 6:

- A. Unless otherwise modified by the commissioner of administration, each department, agency, office, board or commission shall file reports with the commissioner of administration on November 3, 2005, January 3, 2006, and April 3, 2006, reflecting projected savings, by means of financing, that the department, agency, office, board, or commission will generate through the implementation of this Order. The report shall reflect a full accounting of personnel changes within the department, agency, office, board or commission for the reporting period covered, including an accounting of employment figures at the beginning and end of the reporting period and the number of vacancies filled and/or not filled during the reporting period pursuant to the provisions of this Order.
- B. For positions of employment affected by this expenditure and hiring freeze, the report shall include a description of the methodology used to formulate the personnel savings. This description shall include, at a minimum, the following information for each position of employment affected:
 - 1. The type of position of employment to remain vacant, including job title; and
 - 2. The job function of the position of employment and an analysis of how it meets or serves the role, scope, and/or mission of the Unit.

SECTION 7:

All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with implementing the provisions of this Order.

SECTION 8:

This Order is effective upon signature and shall remain in effect through June 30, 2006, until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of September, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

**ATTEST BY
 THE GOVERNOR**

/S/ Al Ater
SECRETARY OF STATE